

SINCLAIR

BROADCAST GROUP

February 17, 2017

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: GN Docket No. 16-142
Response to Letters from the American Cable Association and Eight Independent
Programmers

Dear Ms. Dortch:

In response to the letter filed in the aforementioned docket by the American Cable Association (“ACA”), dated February 13, 2017, and the letter filed by Eight Independent Programmers (the “Programmers”), dated February 16, 2017, Sinclair Broadcast Group, Inc. (“Sinclair”) hereby submits these comments to the record.

We urge the Commission to reject the ACA’s and Programmers’ attempts to draw unfounded concerns about capacity constraints and retransmission consent into this narrow technical proceeding.

The ACA’s and Programmers’ concerns about capacity constraints are unfounded, because no request to mandate the carriage of Next Gen TV¹ by MVPDs has been made. Broadcasters are fully aware of the technical limitations on MVPDs’ ability to carry Next Gen TV and do not want to delay its implementation until MVPDs have overcome those technical limitations.² We also believe it is inappropriate for the ACA to exploit the Commission’s concern about the future of independent programming by speculating that Next Gen TV will be the cause of independent programming to be “the first to go” off of MVPD carriage. Concerns about MVPD capacity are specious in the absence of a mandate to carry Next Gen TV, particularly since the Commission itself has proposed “...that MVPDs will not be required to carry broadcasters’ ATSC 3.0 signals during the period when broadcasters are voluntarily implementing ATSC 3.0 service.”³ Given the Commission’s proposal, no time or effort should be wasted on concerns about capacity constraints in this proceeding.⁴

The Commission should also ignore the ACA’s and Programmers’ desire to insert retransmission consent issues into this proceeding, as those issues do not belong in a rulemaking that seeks to advance technological innovation. It strains credulity that any broadcaster could require an MVPD to overhaul its

¹ As defined in *Authorizing Permissive Use of the “Next Gen” Broadcast Television Standard*, FCC-CIRC#1 (rel. Feb. 2, 2017) (“*Draft NPRM*”), para. 1.

² *Ex parte* letter of Sinclair Broadcast Group, Inc., GN Docket No. 16-142 (dated December 12), page 1.

³ See *Draft NPRM*, para. 28.

⁴ It is also worth noting that many, if not most, MVPDs are likely to enjoy excess capacity due to the loss of television stations that were sold in the incentive auction, further delegitimizing concerns about capacity at this time.

SINCLAIR

BROADCAST GROUP

distribution system, including potentially replacing installed set-top boxes, at a cost of tens of millions of dollars over many years, in the context of a retransmission consent negotiation. It is also important to remember that MVPD capacity and signal quality are not new subjects in the context of retransmission consent negotiations. Transponder capacity and video compression effects on broadcast signals carried by MVPDs, for example, have been the subject of these negotiations for over two decades, and never has mandating reconfiguration of the MVPD distribution plant been an issue.

We believe the current good faith standard for negotiating retransmission consent agreements is sufficient to address any grievances an MVPD may have with respect to discussions of Next Gen TV carriage. To the extent an MVPD becomes technologically capable of carrying Next Gen TV and seeks to do so, Sinclair would entertain such discussions within the parameters of the Commission's good faith standard.

Respectfully submitted,

_____/s/____

Rebecca Hanson
SVP, Strategy and Policy